

House File 2405 - Introduced

HOUSE FILE 2405

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2123)

A BILL FOR

1 An Act relating to the spaying and neutering of pets, by
2 establishing a board and fund, providing for an income tax
3 checkoff, providing a program to assist low-income owners of
4 dogs and cats to spay and neuter their pets, and making an
5 appropriation.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 162A.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Animal shelter*" means an animal shelter which operates
5 pursuant to a certificate of registration issued or renewed by
6 the department pursuant to section 162.2A.

7 2. "*Board*" means the spay and neuter board created pursuant
8 to section 162A.2.

9 3. "*Department*" means the department of agriculture and land
10 stewardship.

11 4. "*Fund*" means the spay and neuter fund created pursuant
12 to section 162A.6.

13 5. "*Owner*" means an individual who holds title to a pet or
14 who is primarily responsible for the care and feeding of a pet.

15 6. "*Pet*" means a dog or cat.

16 7. "*Secretary*" means the secretary of agriculture.

17 Sec. 2. NEW SECTION. 162A.2 Creation, mission, department
18 of agriculture and land stewardship.

19 1. A spay and neuter board is created.

20 2. The board's mission shall be to provide financial
21 assistance to low-income owners who spay and neuter their pets.

22 3. The board shall be located in the department of
23 agriculture and land stewardship. The department shall provide
24 office space, administrative functions, and necessary supplies
25 and equipment. The department may charge the board reasonable
26 expenses for performing administrative functions. This
27 chapter shall not be interpreted to authorize the department's
28 supervision, control, or oversight of the board.

29 Sec. 3. NEW SECTION. 162A.3 Appointment and procedures.

30 1. The membership of the board shall be composed of three
31 individuals appointed by the secretary as provided in this
32 section.

33 2. The board memberships must include all of the following:

34 a. The state veterinarian.

35 b. A member of the Iowa veterinary medical association.

1 *c.* A member of the animal rescue league of Iowa.

2 3. Members of the board other than the state veterinarian
3 shall serve three-year staggered terms beginning and ending as
4 provided in section 69.19.

5 *a.* A member is eligible for reappointment.

6 *b.* A vacancy on the board shall be filled for the unexpired
7 portion of the regular term in the same manner as regular
8 appointments are made. The secretary may remove an individual
9 from the board for misfeasance, malfeasance, willful neglect of
10 duty, or other just cause, after notice and hearing, unless the
11 notice and hearing is expressly waived in writing.

12 4. The board shall elect a chairperson from among its
13 members each year on a rotating basis as provided by the board.

14 5. The board shall meet on a regular basis and at the
15 call of the chairperson or upon the written request to the
16 chairperson of any two members.

17 6. The board shall not take substantive action regarding
18 a matter unless the board's three members are present and at
19 least two of the members affirmatively vote to approve the
20 substantive action. However, a lesser number may adjourn a
21 meeting. A majority shall not include any member who has a
22 conflict of interest, and a statement by a member that the
23 member has a conflict of interest is conclusive for this
24 purpose. A vacancy in the membership does not impair the
25 duties of the board.

26 7. A member is entitled to receive reimbursement for actual
27 expenses incurred while engaged in the performance of official
28 duties. A member is not eligible to receive compensation or an
29 additional expense allowance provided in section 7E.6.

30 Sec. 4. NEW SECTION. **162A.4 Powers.**

31 1. The spay and neuter board shall have all powers necessary
32 to administer this chapter, including but not limited to all
33 of the following:

34 *a.* Authorize payments from the spay and neuter fund.

35 *b.* Contract, sue and be sued.

1 *c.* Accept gifts, grants, and donations, including moneys or
2 services.

3 2. The board shall not in any manner, directly or
4 indirectly, pledge the credit of the state.

5 Sec. 5. NEW SECTION. 162A.5 Duties.

6 The spay and neuter board shall do all of the following:

7 1. Administer a spay and neuter program for pets of
8 low-income owners as provided in section 162A.7. The board
9 shall to every extent practical cooperate with interested
10 persons, including but not limited to veterinarians, animal
11 shelters, local communities, state agencies, and interested
12 individuals and organizations.

13 2. Manage moneys available to or accepted by the board under
14 this chapter, including moneys deposited in the fund.

15 3. Adopt rules necessary to administer this chapter.

16 4. Submit an annual report to the general assembly on or
17 before January 15 of each year. The report shall summarize
18 board activities, the expenditure of moneys in the fund, and
19 any recommendations that could further the board's mission as
20 provided in section 162A.2.

21 Sec. 6. NEW SECTION. 162A.6 Spay and neuter fund.

22 1. A spay and neuter fund is created in the state treasury
23 under the control of the spay and neuter board.

24 2. The fund consists of moneys appropriated to the fund by
25 the general assembly, moneys credited to the fund from moneys
26 generated under section 422.12G and other moneys available to
27 or obtained or accepted by the board from public or private
28 sources.

29 3. *a.* Notwithstanding section 12C.7, interest or earnings
30 on moneys in the fund shall be credited to the fund.

31 *b.* Notwithstanding section 8.33, moneys credited to the fund
32 that remain unexpended or unobligated at the end of a fiscal
33 year shall not revert to any other fund.

34 4. Moneys in the fund are appropriated to the board and
35 shall be used exclusively to carry out the provisions of this

1 chapter as determined and directed by the board.

2 Sec. 7. NEW SECTION. **162A.7 Spay and neuter program for**
3 **pets of low-income owners.**

4 1. A spay and neuter program for pets of low-income owners
5 is created. The program shall be administered by the board as
6 provided in this section.

7 2. The program shall provide financial assistance to
8 low-income owners who spay and neuter their pets, by providing
9 grants or vouchers to persons applying to the board.

10 a. In order to apply for and receive a grant, a person must
11 operate a commercial establishment pursuant to a certificate of
12 registration issued by the department under section 162.2A.

13 b. In order to apply for and receive a voucher, a person
14 must be a veterinarian licensed under chapter 169. The
15 board shall only redeem a voucher submitted to the board upon
16 determining that a low-income owner has had a pet spayed or
17 neutered by a licensed veterinarian.

18 3. The board shall adopt all rules necessary to administer
19 this section, including but not limited to determining
20 qualifications for low-income owners and procedures for
21 receiving, evaluating, and either approving or disapproving
22 applications.

23 Sec. 8. NEW SECTION. **422.12G Income tax checkoff for**
24 **spaying and neutering pets.**

25 1. A person who files an individual or a joint income tax
26 return with the department of revenue under section 422.13 may
27 designate one dollar or more to be paid to the spay and neuter
28 fund established in section 162A.6. If the refund due on the
29 return or the payment remitted with the return is insufficient
30 to pay the amount designated by the taxpayer to the foundation
31 fund, the amount designated shall be reduced to the remaining
32 amount of the refund or the remaining amount remitted with the
33 return. The designation of a contribution to the spay and
34 neuter fund under this section is irrevocable.

35 2. The department of revenue shall draft the income tax

1 form to allow the designation of contributions to the spay and
2 neuter fund on the tax return. The department, on or before
3 January 31, shall transfer the total amount designated on the
4 tax form due in the preceding year to the spay and neuter fund.

5 3. The board shall adopt rules to administer this section.
6 However, before a checkoff pursuant to this section shall be
7 permitted, all liabilities on the books of the department of
8 administrative services and accounts identified as owing under
9 section 8A.504 and the political contribution allowed under
10 section 68A.601 shall be satisfied.

11 Sec. 9. APPOINTMENTS. In making appointments to the spay
12 and neuter board as created in section 162A.2, as enacted in
13 this Act, the secretary of agriculture shall appoint a number
14 of initial members to serve for less or more than three years
15 to ensure that members serve staggered terms.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 GENERAL. This bill creates a spay and neuter board (board).
20 Its mission is to provide financial assistance to low-income
21 owners who spay and neuter their pets. The board is housed in
22 the department of agriculture and land stewardship (DALs).

23 BOARD. The bill provides that the board includes the
24 state veterinarian, a member of the Iowa veterinary medical
25 association, and a member of the animal rescue league of Iowa.
26 The board is provided all powers necessary to carry out its
27 mission. It is required to cooperate with interested persons,
28 including but not limited to veterinarians, animal shelters,
29 local communities, state agencies, and interested individuals
30 and organizations. It must also submit an annual report to the
31 general assembly summarizing the board's activities.

32 FUND. The bill creates a spay and neuter fund (fund)
33 under the control of the board. The fund consists of moneys
34 appropriated to the fund by the general assembly, possible
35 income tax checkoff moneys, and other moneys available to

1 and obtained or accepted by the board from public or private
2 sources. The auditor conducts an annual audit of the fund.

3 SPAY AND NEUTER PROGRAM. The bill creates a program for
4 spaying or neutering of pets of low-income owners. The board
5 administers the program by providing financial assistance in
6 the form of grants to animal shelters, pounds, or research
7 facilities and vouchers to licensed veterinarians.

8 REVENUE — INCOME TAX CHECKOFF. The bill provides that a
9 person who files an individual or a joint income tax return
10 with the department of revenue may designate \$1 or more to be
11 paid to the fund. Generally, not more than four income tax
12 return checkoffs are allowed on each income tax return. When
13 the same four income tax return checkoffs have been provided
14 on the income tax return for two consecutive years, the two
15 checkoffs having generated the least amount of contributions
16 are automatically repealed (Code section 422.12E).